

1 BILL NO. G-85- 07-22

2 GENERAL ORDINANCE NO.G- 27-85

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating an portion of a street.

6 WHEREAS, a petition to vacate a portion of a dedicated street
7 within the City of Fort Wayne (as more specifically described below) was
8 duly filed with the City Planning Commission; and

9 WHEREAS, said Commission duly held a public hearing thereon; and

10 WHEREAS, said Commission has duly forwarded its recommendation to
11 this body approving said petition, all in accordance with I.C. 36-7-4-
12 512(2); and

13 WHEREAS, this body concurs in the recommendation of the City
14 Planning Commission.

15 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
16 FORT WAYNE, INDIANA:

17 SECTION 1. That the petition filed herein to vacate a portion of
18 a dedicated street within the City of Fort Wayne, more specifically
19 described as follows, to-wit:

20 That portion of Warren Street running South from
21 Pennsylvania Street to the South line of vacated
22 McDonald Street, also being the North line of the
23 Wabash Railroad right-of-way

24 and which vacating amends the Thoroughfare Plan of the City Compre-
25 hensive ("Master") Plan and is hereby approved in all respects.

26 SECTION 2. That this Ordinance shall be in full force and effect
27 from and after its passage, any and all necessary approval by the Mayor.

28 
29 COUNCILMEMBER

30 APPROVED AS TO FORM AND LEGALITY:

31 
32 BRUCE O. BOXBERGER, CITY ATTORNEY

1 Page two

2
3
4 ** Public Hearing to be held on _____, the _____
5 day of _____ 1985, in the Council Chambers.
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8

9 _____
Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Read, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.

DATE: 7-23-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Read, seconded by Talarico, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-26-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. 9-27-85

on the 26th day of November, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION TO VACATE WARREN STREET

TO: THE CITY PLAN COMMISSION - CITY OF FORT WAYNE, INDIANA

The undersigned Petitioner, Tom McBride, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of a street within the City of Fort Wayne, Indiana, hereby described as follows:

That portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way.

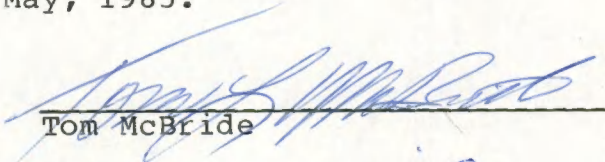
In support thereof, your Petitioner would represent as follows:

1. That he is the only owner of the real estate abutting both sides of the portion of the said street described above.
2. That no other person, firm or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that the said vacation would be in the best interest of the City and the citizens thereof.
4. That the vacation of the portion of said street described above would enable Petitioner to better secure his place of business located at 2302 Pennsylvania Street.

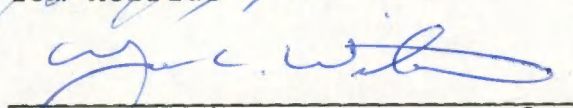
Your Petitioner files this Petition pursuant to authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above-described.

WHEREFORE, your Petitioner prays that the above-described street be vacated according to the provisions of Indiana Law pertaining thereto.

DATED this 7th day of May, 1985.



Tom McBride



Wayne L. Witmer, Attorney for
Petitioner

COPY

85-30566

GRANT OF SEWER EASEMENT

THIS INDENTURE WITNESSETH THAT: Tom L. McBride, over the age of eighteen years, of Allen County, State of Indiana, hereinafter referred to as "GRANTOR", for and in consideration of One Dollar, receipt of which is hereby acknowledged, does hereby grant, quit-claim, and convey to the CITY OF FORT WAYNE, hereinunder referred to as "GRANTEE", a permanent easement and right-of-way to construct, operate, control, maintain, reconstruct, and remove a sewer line, along and across the following-described real property, located in Allen County, State of Indiana, to-wit:

PERMANENT EASEMENT

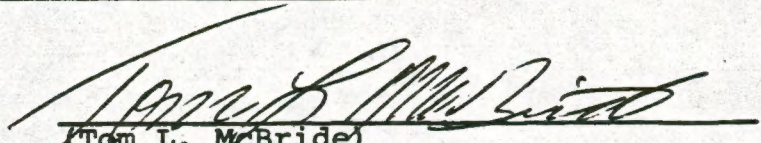
Commencing at the Northwest corner of Lot No. 139 in Vordermark's Addition, thence South 352 Feet to the North line of the Wabash Railroad right-of-way; thence West 48 feet; thence North 352 feet to the Northeast corner of Lot No. 140 in Vordermark's Addition; thence East 48 feet to the point of beginning, the above-described parcel also being known as that portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street.

1985 OCT 21 PM 3:40
ALLEN COUNTY RECORDER
Wayne L. Witmer

Grantor, and its successors and assigns, shall not construct any improvements on or over the above-described real estate.

Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

EXECUTED THIS 2nd day of October, 1985.

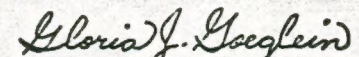

(Tom L. McBride)

DULY ENTERED FOR TAXATION

ACKNOWLEDGEMENT

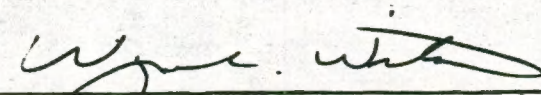
OCT 21 1985

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)


AUDITOR OF ALLEN COUNTY

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Tom L. McBride who acknowledged the execution of the foregoing Grant of Easement, as and for voluntary act and deed, for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 2nd day of October, 1985.


Wayne L. Witmer - Notary Public
A Resident of Allen County.

My Commission Expires:

June 2, 1988

This instrument prepared by Wayne L. Witmer, Attorney at Law.

10.31.85

That portion of Warren Street running south from Pennsylvania Street to the south line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

DATED THIS 31st DAY OF October 1985

David J. Kiester
David J. Kiester
Director of Public Works

Lawrence D. Consalvos
Director of Public Safety

WHEREAS, Tom McBride, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street in Fort Wayne, Allen County, to-wit:

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, said public hearing was held on July 15, 1985, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of public street.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED no public utility occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of public street in Allen County, Indiana.

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 22, 1965, and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

ORIGINAL

DIGEST SHEET

ORIGINAL

5-85-07-22

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Portion of Warren Street.

EFFECT OF PASSAGE Property is now dedicated right-of-way. Property will
be closed and revert to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS

Specific Location and/or Address Portion of Warren Street
Reason for Project Adjacent property owner wishes to fence off area to be vacated for security purposes.
Discussion (Including relationship to other Council actions) <u>July 15, 1985 - Public Hearing</u> Wayne Witmer, attorney appeared for the petitioner Mr. Tom McBride owner of K&G Manufacturing. Mr. Witmer stated that K&G manufacturing occupies the east side of Warren Street. He stated that Mr. McBride has acquired all of the land on the west side of Warren Street and wishes to expand his business. He stated that Mr. McBride has no intention of building over the portion of Warren they are asking vacated but wishes to fence off the entire area for security. He stated that they are willing to give utilities complete access to the area at any time for maintenance purposes. He stated they are aware that there is a 54 inch combination sewer in this portion of Warren. Duane Embury stated that in this type of situation the WPCE department normally has dual locks. He stated in that way the would not need a key from Mr. McBride for access. He stated that WPCE has no objection to this type of lock.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Tom McBride - K&G Manufacturing City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Mr. McBride stated he had no objection to a dual lock system.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

July 22, 1985 - Business Meeting

Of the nine members present 8 voted in favor of a DO PASS recommendation for the requested vacation, one did not vote.

A Grant of Easement was required submitted and approved by the Plan Commission attorney and then recorded for the 54 inch sewer line in this portion of Warren Street. A copy of that recorded easement is attached to the original ordinance and on file in the Plan Commission Office.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date May 10, 1985

Projected Completion or Occupancy

Date October 28, 1985

Fact Sheet Prepared by

Date October 28, 1985

Patricia A. Biancaniello

Reviewed by

Date

Harry B. Burtin
Reference or Case Number

11/7/85

Notify petitioner's agent:

Wayne Witmer - P.O. Box 2263
City 46801

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, July 15, 1985 at 7:00 p.m. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on a proposed vacation of public right-of-way, more particularly described as follows:

That portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

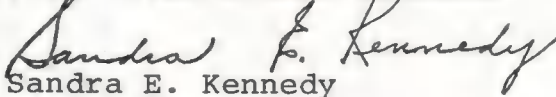
NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-85-07-22)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 26, 1985, at 7:00 P.M., Room 128, Common Council Conference Room, City-County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows:

That portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way.

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL


Sandra E. Kennedy
City Clerk



The City of Fort Wayne

November 5, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of November 9, 1985, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-85-07-22
Bill No. G-85-10-18

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2



The City of Fort Wayne

November 5, 1985

Wayne Witmer
P.O. Box 2263
Fort Wayne, IN 46801

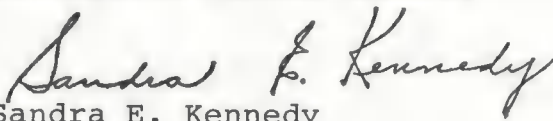
NOTICE OF PUBLIC HEARING ON BILL NO. G-85-07-22

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 26, 1985, at 7:00 P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

That portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk

PUBLISHER'S CLAIM

LINE COUNT		Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head	number of lines		3
Body	number of lines		12
Tail	number of lines		3
Total number of lines in notice			18

COMPUTATION OF CHARGES			
18	lines,	1	columns wide equals 18 equivalent lines at .300¢
	cents per line		\$ 5.40
Additional charge for notices containing rule or tabular work (50 per cent of above amount)			
		2 extra	1.00
Charge for extra proofs of publication (50 cents for each proof in excess of two)			
TOTAL AMOUNT OF CLAIM			\$ 6.40

DATA FOR COMPUTING COST			
Width of single column 12.5 picas		Size of type	6 point
Number of insertions	1	Size of quad upon which type is cast	6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry Thompson

Date Nov. 9, 19 85

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson

that he/she is CLERK

JOURNAL-GAZETTE

DAILY

a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

11/9/85

Subscribed and sworn to me before this 9th day of November 19 85

Anne M. Perkins Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-85-07-22)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 26, 1985, at 7:00 P.M., Room 128, Common Council Conference Room, City-County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows:

That portion of Warren Street running from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way.

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk

11--9

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines
Body number of lines
Tail number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines at 300¢ \$ 5.40
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
TOTAL AMOUNT OF CLAIM \$ 6.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry Thompson

Date Nov. 9, 19 85

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

11/9/85

Larry Thompson

Subscribed and sworn to me before this 9th day of November 19 85

Anne M. Perkins Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-85-07-22)
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That portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way.
All interested parties are invited to appear and be heard.
FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk

CK # 8671

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 11995

FT. WAYNE, IND., MAY 10 1985

RECEIVED FROM K & G Mfg Co INC. \$ 100.00

THE SUM OF One Hundred and 00/100 DOLLARS

ON ACCOUNT OF TO VACATE A PORTION OF
WARREN ST

[Handwritten Signature]

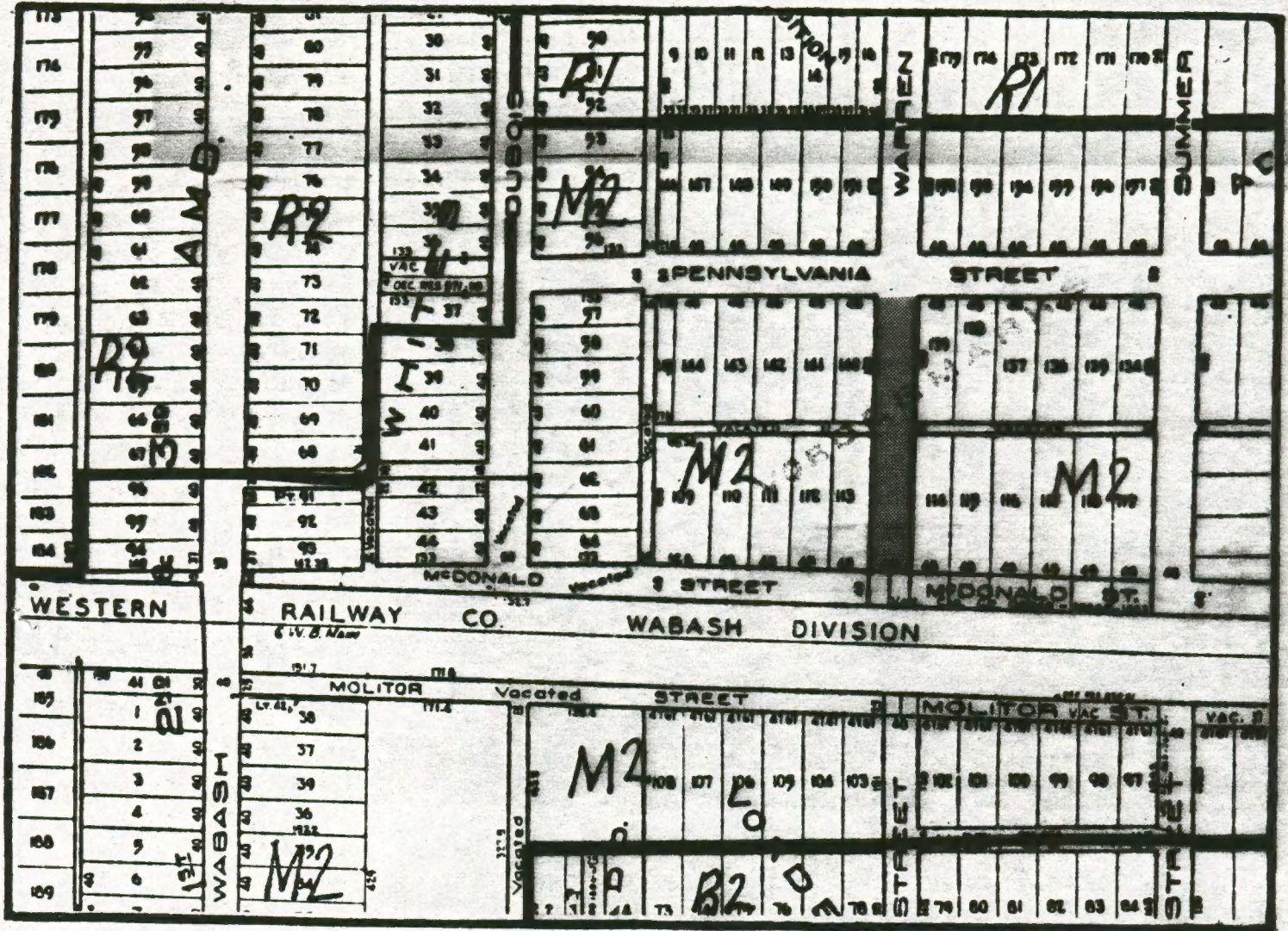
AUTHORIZED SIGNATURE

VACATION PETITION - #131

A PETITION TO VACATE THE DESCRIBED PORTION OF CITY STREET.

MAP NO P-2

COLINCILMANIC DISTRICT NO. 1



Zoning:

Land Use:

M2 GENERAL INDUSTRY
R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT

6-85-07-22



Scale: 1" = 200'

10

Date: 5-21-85

BILL NO. G-85-07-22

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating an
portion of a street

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
~~XXXXXXXXXX~~
(RESOLUTION) _____

YES

NO

Charles B. Redd
CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier
JAMES S. STIER

Ben A. Eisbart
BEN A. EISBART

Donald J. Schmidt
DONALD J. SCHMIDT

CONCURRED IN 11-26-15

SANDRA E. KENNEDY
CITY CLERK